

HOUSE BILL 1372  
By Briley

AN ACT to amend Tennessee Code Annotated, Title 33,  
Chapter 6, Part 4 and Title 33, Chapter 6, Part 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-406, is amended by deleting subsections (a) and (b)(1) through (b)(3) and substituting instead the following:

(a)

(1) If the person is certified for admission under § 33-6-404 and is not already at the hospital or treatment resource at which the person is proposed to be admitted, the physician, psychologist, or designated professional who completed the certificate of need shall give the law enforcement agency which initially detained the person pursuant to § 33-6-402, or the law enforcement agency which has primary jurisdiction over the primary residence of the person, if such person was not initially detained by a law enforcement agency, or the transportation agent designated under chapter 6, part 9 of this title, the original of the certificate and turn the person immediately over to the custody of such law enforcement agency or the transportation agent, who shall transport the person to a hospital or treatment resource that has available accommodations for the person for proceedings under § 33-6-407, except as provided in subdivision (a)(2).

(2) If the person is certified for admission under § 33-6-404 and is not already at the hospital or treatment resource at which the person is proposed to be admitted, and the person has been medicated, or is under the influence of any drug or medication, the physician, psychologist, or designated professional who

completed the certificate of need shall give the on-duty EMT or EMT-P the original of the certificate and turn the person immediately over to EMS who shall transport the person to a hospital or treatment resource that has available accommodations for the person for proceedings under § 33-6-407.

(3) Transportation to a state owned or operated hospital or treatment resource may not commence without a certificate of need executed by a mandatory prescreening agent, or by a physician or psychologist as authorized by § 33-6-105.

(b)

(1) Before transportation begins, the law enforcement agency, transportation agent, or EMS personnel shall notify the hospital or treatment resource at which the person is proposed to be admitted as to where the person is and the best estimate of anticipated time of arrival at the hospital or treatment resource.

(2) If the law enforcement agency, transportation agent, or EMS personnel has given notice and arrives at the hospital or treatment resource within the anticipated time of arrival, then the law enforcement officer, transportation agent, or EMS personnel is required to remain at the hospital or treatment resource only long enough for the person to be evaluated for admission under § 33-6-407, but not longer than one (1) hour and forty-five (45) minutes. After one (1) hour and forty-five (45) minutes, the person is the responsibility of the evaluating hospital or treatment resource, and the law enforcement officer, transportation agent, or EMS personnel may leave.

(3) If the law enforcement agency, transportation agent, or EMS personnel has not given notice as required under subdivision (b)(1) or has not

arrived within the anticipated time of arrival, the law enforcement officer, transportation agent, or EMS personnel shall remain at the hospital or treatment resource as long as it takes to complete the evaluation under § 33-6-407.

SECTION 2. Tennessee Code Annotated, Section 33-6-407, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c) If the person is not subject to admission and the law enforcement officer, transportation agent, or EMS personnel is under a duty to remain at the hospital or treatment resource under § 33-6-406, the law enforcement officer, transportation agent, or EMS personnel shall return the person to the city or county.

(d) If the person is not subject to admission and the law enforcement officer, transportation agent, or EMS personnel is not under a duty to remain at the hospital or treatment resource under § 33-6-406, the hospital or treatment resource shall return the person to the city or county.

SECTION 3. Tennessee Code Annotated, Section 33-6-901, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) A person with mental illness or serious emotional disturbance who is to be transported under part 4 or 5 of this chapter shall be transported by the law enforcement agency which initially detained such person pursuant to § 33-6-402, or by the law enforcement agency which has primary jurisdiction over the primary residence of such person, if such person was not initially detained by a law enforcement agency.

(2) A person with mental illness or serious emotional disturbance who is to be transported under part 4 or 5 of this chapter may also be transported by:

(A) A secondary transportation agent under this section;

(B) A person authorized under other provisions of this title; or

(C) One or more friends, neighbors, other mental health professionals familiar with the person, relatives of the person, or a member of the clergy.

(3) A person with mental illness or serious emotional disturbance who is to be transported under part 4 or 5 of this chapter shall be transported by EMS personnel if the person has been medicated, or is under the influence of any drug or medication.

(b)

(1) The sheriff may designate a secondary transportation agent or agents for the county for persons with mental illness or serious emotional disturbance whom a physician or mandatory prescreening authority has evaluated and determined do not require physical restraint or vehicle security.

(2) The chief of police may designate a secondary transportation agent or agents for the city for persons with mental illness or serious emotional disturbance whom a physician or mandatory prescreening authority has evaluated and determined do not require physical restraint or vehicle security.

(3) The sheriff or chief of police of the office or department with primary law enforcement power within the area of a metropolitan government may designate a secondary transportation agent or agents for the metropolitan area for persons with mental illness or serious emotional disturbance whom a physician or mandatory prescreening authority has evaluated and determined do not require physical restraint or vehicle security.

(c) A secondary transportation agent shall be available twenty-four (24) hours per day, provide adequately for the safety and security of the person to be transported,

and provide appropriate medical conditions for transporting persons for involuntary hospitalization. The sheriff or chief of police shall take into account in designating a secondary transportation agent both its funding and the characteristics of the persons who will be transported. A secondary transportation agent has the same duties and authority under this chapter in the detention or transportation of such persons as the sheriff or chief of police. If a mandatory prescreening agent, physician, or licensed psychologist with health service provider designation, who is acting under § 33-6-404(3)(B), determines that the person does not require physical restraint or vehicle security, then any person identified in subdivision (a)(3) may, instead of the sheriff or chief of police, transport the person at the transporter's expense.

(d) Notwithstanding any other provision of law to the contrary, the sheriff, chief of police, secondary transportation agent, or EMS providing transportation may seek reimbursement for the expenses incurred in providing transportation from an insurance company, health care corporation, TennCare or other source, if the person who was transported is covered by an insurance policy, TennCare, or a health care corporation or other source for those expenses. If the person who was transported is not covered by an insurance policy, TennCare or does not subscribe to a health care corporation or other source for the payment of such expenses, then the sheriff, chief of police, secondary transportation agent, or EMS providing transportation may bill the city or county of residence for transportation costs.

(e) The department shall provide training on mental health crisis management for transportation agents and law enforcement personnel.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring

it.